assistance. We are helping them in all the projects. There is no doubt that Kerala is very beautiful place and it is attarcting a lot of tourists. The Kerala Government is doing a lot of tourism. They are participating in all the foreign markets, festivals and fairs. We are providing them money for whatever projects they bring to us.

MR. CHAIRMAN: Question No. 42.

Introduction of Lok Pal Bill

*42. SHRIMATI RENUKA CHOWDHURY:
SHRI VISHNU KANT SHASTRI:

Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that Government propose to introduce the Lok Pal Bill in the current Session of the Parliament;

(b) if so, what are the salient feature of the proposed Bill; and

(c) what are the other details in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI MARGARET ALVA): (a) to (c) Yes, Sir.

The Government propose to introduce the Lokpal Bill during the current Session of Parliament.

श्री विष्णु कान्त शास्त्री: माननीय सभापति जी, मैं आपके माध्यम से यह जानना चाहता हूं कि क्या लोक पाल बिल बनाने के लिए कोई संयुक्त संसदीय समिति बनायी गयी थी और क्या उसकी सिफारिशें आ गई हैं? क्या पूर्व सरकार ने इस बिल को वापस लिया था? यदि हां, तो क्यों लिया था?

SHRIMATI MARGARET ALVA: Sir, I am not going into the reasons why the former Government withdrew it or did not withdraw it. I am only saying that two discussions have taken place in this House as well as the other House during the present Government's tenure. We have given an assurance, Sir, that we are working on it. In fact, the Home Minister, in the last Session, had called a meeting of leaders of all political parties in both the Houses. They have given their opinions. I had also written to the leaders of the political parties in both the Houses. Forty-nine letters were sent. We got only five replies...*(Interruptions)*

SHRI G. SWAMINATHAN: The AIADMK has not received any letter... *(Interruptions)* It is one of the main parties.

SHRIMATI MARGARET ALVA: I am sorry. Forty-nine letters were sent. All the parties have acknowledged it. You have said it now. But, in the last Session, nobody mentioned that it was not received. We have received five replies, Sir, and I can say — I have also said this earlier in the House — what response we got.

SHRI SATYA PRAKASH MALAVIYA: When did you write this letter?

SHRIMATI MARGARET ALVA: everybody got it ...*(Interruptions)*

SHRI SATYA PRAKASH MALAVIYA: what was the date?

SHRI G. SWAMINATHAN: Was it two years back?

SHRIMATI MARGARET ALVA: It was sent last year itself...*(Interruptions)* It was during last May that it was written. I got the replies...*(Interruptions)* Sir, let him speak after I have finished...*(Interruptions)*

श्री विष्णु कान्त शास्त्री: मेरा तो एक ही सवाल था, आप सीधा जवाब नहीं दे रही है। ...*(व्यवधान)*

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*°मा बयासरजपि कअस अजरयअीत असेाद पि रमा नीधि नि रमा यिसा बत 'मवज]जसमपय ऐअपर 'मअसरवज।

THE LEADER OF OPPOSITION (SHRI SIKANDER BAKHT): His question is not being answered. It is a specific question whether a JPC was constituted to look into this question and whether there were any recommendations.

SHRIMATI MARGARET ALVA: The Chairman has asked me to answer. Let me answer...*(Interruptions)*

SHRI SIKANDER BAKHT: If they were withdrawn, why were they withdrawn? That is the specific question.

MR. CHAIRMAN: Allow the Minister to answer...*(Interruptions)*

SHRIMATI MARGARET ALVA: I am answering. I have not sat down. Let him give me a chance to finish.

The consensus that emerged during these discussions from all the parties was that the 1985 Bill, which was introduced, should form the basis of the new Bill. Certain other suggestions were made which the Government intends incorporating like, for instance, that it should be a multi-member Lok Pal and so on. No specific committee has now been constituted. But we have put all these recommendations together. The Law Ministry is in the process of finalising it. We will then come to the House, Sir.

श्री विष्णु कान्त शास्त्री: माननीय सभापति जी, मेरा दूसरा प्रश्न यह है, मैं यह जानना चाहता हूं कि संयुक्त संसदीय समिति ने जो सिफारिशें की थी क्या ये वर्तमान बिल जो लाने का विचार कर रहे हैं, उन सिफारिशों के अनुरूप ही हैं? क्या इसकी परिधि में लोकपाल के अन्तर्गत प्रधानमंत्री की भी गतिविधियां आयेंगी?

SHRIMATI MARGARET ALVA: Sir, as I said, the 1985 Bill, which all the political parties have agreed, should form the basis. And I think that the Prime Minister himself has said in this House that he wants the office of Prime Minister to be broght under the Lok Pal. I don't want to say anything beyond that.

सभापति: श्री अजीत जोगी।

श्री अजीत जोगी: सभापति महोदय, मैं आपके माध्यम से सर्वप्रथम इस सरकार को धन्यवाद देना चाहता हूं कि एक ऐसा बिल ....**(व्यवधान)**

श्री वीरेन जे० शाह: आप नए मंत्री नहीं बनने वाले हैं ....(व्यवधान)

श्री अजीत जोगी: महोदय, इसकी मांग को पूरा देश कर रहा है। बड़े साहस के साथ यह सरकार उस बिल को पास कराने जा रही है। इसके लिए मैं साधुवाद देते हुए माननीय मंत्री जी से केवल यह जानना चाहूंगा कि क्या जो बिल यहां पेश किया जा रहा है उसमें लोकपाल को इनवेस्टिगेशन करने के लिए, विवेचना करने के लिए और तफतीश करने के लिए उनकी खुद की कोई एजेन्सी होगी या उनको पुलिस या सी०बी०आई० एजेंसी पर निर्भर करना होगा तथा क्या लोकपाल की सिफारिशें ही केवल सिफारिशें होंगी या सरकार पर बाइनडिंग होगी या बंधनात्मक होगी?

SHRIMATI MARGARET ALVA: It is not proposed to have another investigating agency set up for this purpose. The Lok Pal will use the existing investigating agencies to help it for investigating purposes...*(Interruptions)* Sir, the Lok Pal is not another court of law. The findings of the Lok Pal will have to be looked into and then the normal legal processes will come into operation...*(Interruptions)*

SHRI SINGH PRIYA GAUTAM: This is nothing but befooling the public.

SHRIMATI KAMLA SINHA: This is nothing...*(Interruptions)*

SHRI VIREN J. SHAH: Sir, may I tell the hon. Minister, through you, that, based on our experience of the last few years of functioning of the *Lokayuktas*, based on the experience in which we found that several State Governments flouted the *Lokayuktas'* recommendations with regard to even senior officials and Ministers and nothing was done, so the result was wastage of time, energy and money of the country and the due process of law could not be followed? Is the Government going to keep that in mind by learning lessons from that and provide

such powers? I think what hon. Mr Ajit Jogi asked is of serious significance — whether they will provide such teeth and powers to the Lok Pals so that an effective and meaningful purpose will be served. If possible, will they be provided with investigative agency's powers?

Secondly, I want to know about the appointment of Lok Pals or a committee of Lok Pals. Today may be, (a) party or (b) party is in power and that is not of much importance, what is of much importance is the independence of the Lok Pals. So, has the Government considered that appointment of such Lok Pals has to be made in a manner that is clear, above board and cannot be suspected of showing any kind of a partisan attitude.

SHRIMATI MARGARET ALVA: Sir, as far as the authority of the Lok Pal is concerned, I would like to clarify the point that the competent authority to whom the report of the Lok Pal goes is to examine the report submitted by the Lok Pal and report back within three months regarding the action taken or proposed to be taken on the basis of the report. Besides, the Lok Pal is required to present its annual report to the President which has to be laid before each House of Parliament within a period of 90 days. These provisions, it is believed, will have some kind of public scrutiny of the action taken on the reports of the Lok Pal.

Sir, as far as the appointment is concerned, different Bills at different times had made different suggestions, but the 1985 and 1989 Bills had envisaged consultation with the Chief Justice of India to be made by the Government before appointment is made. It is proposed to retain this provision, in this regard, as provided in the 1985 and 1989 Bills.

SHRI VIREN J. SHAH: Would you consider instead of consultation, concurrence of the Chief Justice because there is a judgement which says, "instead of consultation, concurrence of the Chief Justice?" Would you consider that?

SHRIMATI MARGARET ALVA: This is one of the recommendations. I should certainly, place it before ...*(Interruptions)*... Sir, I may mention that various provisions have been drafted. When the Bill comes, there will be provision for discussion or, may be, amendments which are approved by everybody. So, I cannot today really give each clause, as it is, I am giving the general gist of what is proposed.

SHRI G. SWAMINATHAN: Sir, the question is whether the Government is proposing to introduce the Lok Pal Bill and the answer given is: "The Government proposes to introduce the Lok Pal Bill during the current Seesion of Parliament." So far, we have not received the draft Bill and the newspaper report says that it has also not been drafted. This is our worry. ...*(Interruptions)*... That is the newspaper report. I don't know. May be, we have to go only by newspaper reports because we don't know what is happening. The point is that it may be introduced on the last day and it may not get passed. We want the Bill to be passed. We want an assurance from the Government that with the co-operation of the Opposition it will see to it that the Lok Pal Bill is passed during the currrent Session of Parliament.

SHRIMATI MARGARET ALVA: Sir, it is for the Government to introduce the Bill. It is for the two Houses of Parliament to pass it. It is up to the two Houses to decide how fast and how effectively they will be able to pass it. ...*(Interruptions)*...

SHRI SOMAPPA R. BOMMAI: From harshad Mehta to hawala, during the last five years, we have been hearing of scandals after scandals and corruption has been the main issue. ...*(Interruptions)*...

MISS SAROJ KHAPARDE: What about Bihar? ...*(Interruptions)*...

SHRI SOMAPPA R. BOMMAI: Even my name is alleged to be there is the diary.

I am not hiding it. The country is concerned about corruption. (*Interruptions*) I am not passing a remark on any party. I am saying that the country is concerned about it. (*Interruptions*)

SHRI V. NARAYANASAMY: Janata Dal is very much there. Therefore, your cannot say. (*Interruptions*)

SHRI SOMAPPA R. BOMMAI: What is Janata Dal, what is Congress and what is BJP, everybody knows. I do not want to go into party issues. (*Interruptions*) The main issue is corruption. It is all-pervasive, not just politicians and bureaucrats but even the society. This is an important issue. We are very much concerned. Perhaps, it is our obligaiton and our duty to the nation to see that some steps are taken to minimise it. I am glad that at least at the fag end of the life of this Parliament, this Government is thinking of bringing the Bill. Though late, I welcome it. It is necessary; otherwise, perhaps, we may be leaving a very bad legacy to our successive generations. So much is the magnitude, I say corruption is like cancer to the country.

MR. CHAIRMAN: Please put a question. (*Interruptions*)

SHRI SOMAPPA R. BOMMAI: Therefore, a surgery is necessary to remove this cancer. Last time the hon. Minister had promised that a meeting of the leaders of all political parties would be called before the Bill was introduced. I would only insist and urge the Government to call a meeting of all political parties with their written suggestions within three days or four days so that the Bill is introduced on the 6th. Then meet again and we can unanimously pass the Bill so that there is some law where we have suggestions on how the agency should be, whether a judge of the Supreme Court or a person named by the senior judges of the Supreme Court should head it. (*Interruptions*)

MR. CHAIRMAN: Why are the leaders not consulted? — Is that your question?

SHRI SOMAPPA R. BOMMAI: Even the concurrence....(*Interruptions*)... Whatever it may be. We can go into the details when you call a meeting. Please write letters to all political parties to come and give in writing...(*Interruptions*)...

MR. CHAIRMAN: I will call a meeting. (*Interruptions*)

SHRI SOMAPPA R. BOMMAI: Within three days. We will come. (*Interruptions*) Will you assure us that you will call a meeting of the leaders of political parties?

SMT. MARGARET ALVA: Sir, I do not want so sound repetitive. (*Interruptions*)

SHRI SOMAPPA R. BOMMAI: I am only asking: Are you prepared to call a meeting of the leaders of political parties this week?

SMT. MARGARET ALVA: Sir, I would say that ...(*Interruptions*).. Let me just have a minute. In may 1995 we wrote to all political parties. (*Interruptions*)

SHRI SOMAPPA R. BOMMAI: I am not asking that. I know that. Last time, you assured about the meeting of the political party leaders. Are you prepared to call the meeting? (*Interruptions*)

SMT. MARGARET ALVA: Would you show me the courtesy of allowing me to speak? (*Interruptions*)

SHRI SOMAPPA R. BOMMAI: Are you prepared to call the meeting? *(Interruptions)*

SMT. MARGARET ALVA: What I am saying is that, subsequent to this, the Home Minsiter called a meeting of the leaders of all political parties of both the Houses. I am sure that the leaders will

bear me out that discussions took place. A number of suggestions were given to us and we incorporated those suggestions. And again, on the eve of this Session, Sir, the hon, Home Minister called the leaders of the political aprties — some of you may not have been in Delhi, some of the leaders who are here were present — and the detailed discussion on the broad framework of the Bill was also mentioned there and the leaders had suggested that we should go ahead with the drafting and not waste time, bring it to the House and any suggestions on the floor of the House could then be considered. But, if the hon. Members want another meeting before the Bill is introduced, I am prepared to ask the Leader of the House — the hon. Prime Minister is also here — to see that such a meeting is held before it is formally introduced.

SHRI SOMAPPA R. BOMMAI: I would urge the Prime Minsiter to call a meeting so that we can suggest ... (*Interruptions*)... We can come to the House with an agreed draft. (*Interruptions*) Therefore, I would like to know from the Prime Minister whether he would call such a meeting.

AN HON. MEMBER: It will not be passed in this Session. (*Interruptions*)

SMT. MARGARET ALVA: Even if the leaders agree, I do not think it would be fair to deny an opportunity to the Members of the House to make their suggestions. The leaders may agree on the broad frame work but that cannot be a consensus because, I think, the Houses would have to discuss the Bill before it is finally passed.

SHRI SOMAPPA R. BOMMAI: I would like to know from the Prime Minister whether such a meeting is possible.

THE PRIME MINISTER (SHRI P.V. NARASIMHA RAO): Sir, it has been clarified that meetings have been called again and again. It is possible that in a particular meeting a particular leader was, for any reason that he thought fit at that time, not able to attend. This is possible. Suppose I call a meeting tomorrow, some leaders may not be present and they will have an equal opportunity or equal right to ask me to call yet another meeting. The point is : where does this end? My idea, the Government's idea, at the moment is, the Home Minister told me so, let us introduce the Bill. Everybody will be able to look into it, everybody will be able to criticise and give suggestions. Instead of calling another meeting, I find it more convenient to introduce the Bill if it is ready. But I am not saying 'no' to having another meeting. If it is considered necessary, I will call the Home Minister. I think, Sir, with a very short time at our disposal before the Session ends, these meetings and further meetings and further meetings will only result in the Bill not seeing the light of day. This is what I am saying but still, I will consider the pros and cons.

श्री विष्णु कान्त शास्त्री: सर, बिल की तारीख बताई जाए कि बिल किस तारीख को यहां प्रस्तुत किया जाएगा? सदन को इस बिल की तारीख बताई जाए क्योंकि 12 तारीख को तो संसद् सत्र समाप्त हो जाएगा। मैं माननीय प्रधान मंत्री जी से जानना चाहता हूं कि अगर वे जरुरी इस सेशन में ला रहे हैं तो उस की तारीख बताएं कि किस तारीख को यह बिल पेश किया जाएगा?

MR. CHAIRMAN: The Bill can be intorduced in the House.

DR. BIPLAB DASUPTA: Sir, on behalf of my party....(*Interruptions*)... I am happy that the Prime Minister is saying that he is ready to introduce the Bill because for the last 10—20 years this Bill has undergone many incarnations and nothing has materialised nor has it been sent to a Select Committee for scrutiny. One meeting was held two days before the Session and in that meeting all the political parties said that they must have the Bill. We only wanted to see the Bill so that we could come with our own

ideas. Today we are at the end of the first week. Only four more working days remain and in these four working days there is going to be budget discussion, railway budget discussion, many Ordinances, many Bills and, may be, electroal reforms. Where is the time? Would the Minsiter be willing to extend this Session by two-three days? (*Interruptions*) Why not? So that there can be a proper discussion. You cannot come to us at the last moment and ask us to finish it within one hour. We cannot accept it. There should be a proper and thorough discussion for six hours and for that reason I will plead, Sir ...(*Interruptions*)...

MR. CHAIRMAN: This is a different quesiton. (*Interruptions*)

DR. BIPLAB DASGUPTA: Sir, I am questioning the motive of the Government. I am questioning the motive. They do not want to bring the Bill. They have no intention of bringing the Bill. They will make all excuses. They have no interest in bringing the Bill. They are befoolling the people. They will be befooled. (*Interruptions*) I would like to know from the Minister.

categorically....(*Interruptions*)

It is one thing to introduce. (*Interruptions*)

SHRI DIGVIJAY SINGH: We have also been raising our hands, Sir. (*Interruptions*)

श्री चतुरानन मिश्र: सभापति महोदय, यह एक बार ऐसा मौका आया है अभी जब हम सरकार के साथ सहमत थे कि इस बिल को जल्द से जल्द यहां से लाया जाए, इस पर हम सहमत हैं। सरकार ने यह भी सही जवाब दिया है कि कई मीटिंग हुई हैं, हम लोग गए हैं और हमारी पार्टी ने बार-बार लिख कर दिया है कि होगी। प्रधान मंत्री ने भी इस सदन को कह दिया था कि उसके एम्बिट में प्रधान मंत्री को भी लाया जाए। उसका भी हमने उस दिन स्वागत किया था और अभी भी उसका हम स्वागत करते हैं। हमारी पार्टी का पूरा सहयोग रहेगा इस बिल को पास करने के लिए। सुधार तो हो सकता है जैसा चाहेंगे वह वैसा कर सकते हैं। शंका यह उत्पन्न हो रही है कि आप कह रहे हैं इंट्रोड्यूस कर देंगे, बाकी काम सदन का है। सदन का तो बहुत काम है, बहुत हो सकता है। आम तौर पर सरकार का आश्वासन होना चाहिये कि सरकार का इरादा है इसको इसी सत्र में पास कर देने का। सदन जो कहे आप ऐसा करके कहिए, ऐसा नहीं कहिए कि हम इंट्रोड्यूस कर देंगे, बाकी सदन के ऊपर होगा।

श्री अजीत जोगी: वह तो सदन के ऊपर निर्भर होगा।

श्री चतुरानन मिश्र: सदन पर तो सब कुछ निर्भर है, प्रधान मंत्री भी निर्भर हैं।

प्रधान मंत्री: कई बार हम ने यहां बिल इंट्रोड्यूस भी किया। पूरी तरह से हमारा इरादा था कि उस को उसी सत्र में जिस में इंट्रोड्यूस किया गया था, पास भी किया जाए लेकिन वह हमारे हाथ में नहीं है। वह तो आप महानुभावों के हाथ में है।

श्री चतुरानन मिश्र: वह तो हमने मान लिया। प्रधान मंत्री जी, हमारे हाथ में जरूर है, सदन के हाथ में जरूर है पास करना....

श्री अनन्तराय देवशंकर दवे: बिल अगर 6 तारीख को इंट्रोड्यूस होगा तो समय ही नहीं मिलेगा।

MR. CHAIRMAN: Please sit down...(*Interruptions*)...

श्री चतुरानन मिश्र: हमने सिर्फ यही कहा कि सरकार ने कई बार ऐसी हेराफेरी की है। इसलिए इस बार आप से क्लिअरकट आश्वासन चाहते हैं कि सरकार का इरादा पास कराने का है और विपक्ष के एक दल की तरफ से हम पूरा सहयोग करने को तैयार हैं। आप इतना ही कह दीजिए कि सरकार का इरादा इस को पूरा पास कराने का है?

SHRI P.V. NARASIMHA RAO: Sir, I can cite any number of examples where the Bills were brought before the Parliament with the intention, express and implied, absolutely hundred per cent intention, of getting them passed in the very Session in which they were introduced. It did not happen for various reasons. The examples are very clear. I do not expect, I do not remember any occasion on which the Government brings

forward a Bill only for the sake of bringing it forward and not for passing.

SHRI CHATURANAN MISHRA: What about this Bill? ...*(Interruptions)*...

SHRI P.V. NARASIMHA RAO: I would never agree, I would never concede that the Government would have any such intention in bringing forward any such Bill at any time. What happens is that after a Bill is introduced...*(Interruptions)*..

SHRI S. JAIPAL REDDY: Sir, you are speaking on the Bills in general...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Let the Prime Minister be categorical...*(Interruptions)*...

SHRI P.V. NARASIMHA RAO: I am absolutely categorical. ...*(Interruptions)*...Whenever we bring forward a Bill, categorically we want to get it passed. Otherwise, we will not bring it forward.

MR. CHAIRMAN: Now, Question No. 43. Shri Giri Prasad.

SHRI S. JAIPAL REDDY: Sir, he has not committed himself on the Lok Pal Bill. ...*(Interruptions)*... He spoke on Bills in general.

MR. CHAIRMAN: We have taken enough time. This Bill will be coming up and at that time we can discuss it...*(Interruptions)*...The Prime Minister has given a categorical reply and there should not be any more questions on the subject.

SHRI S. JAIPAL REDDY: I think we had a very good Zero Hour.

Controversy over Sharing of Cauvery Water

*43. SHRI N. GIRI PRASAD:
SHRI CHATURANAN MISHRA:

Will the Minister of WATER RESOURCES be pleased to state:

(a) whether Government's attention has been drawn to the recent controversy between the Karnataka and Tamil Nadu State Governments over the sharing of Cauvery water;

(b) if so, the details thereof and the steps taken by Government to settle the controversy and the results achieved with regard thereto;

(c) whether Government are considering a proposal, on priority basis, to take up the question of formulating a national water policy which would provide the basis for resolving the current issue and similar disputes among other States; and

(d) if so, the details thereof?

THE MINISTER OF HEALTH & FAMILY WELFARE AND MINISTER OF WATER RESOURCES (SHRI A. R. ANTULAY): (a) to (d) A statement is laid on the Table of the House.

Statement

(a) Yes, Sir.

(b) On an application filed by the Government of Tamil Nadu in the Supreme Court for getting directions on the Cauvery Water Disputes Tribunal's order dated 19.12.1995 to the State of Karnataka to release 11 TMC of water, the Supreme Court in its order dated 28.12.1995 requested the Prime Minister to convene a meeting of all concerned to evolve a solution either on consensus or by his own decision to release water immediately to save the standing crops in Mettur Ayacut area of Tamil Nadu.

In pursuance of the above orders of the Supreme Court of India, the Hon'ble Prime Minister held a meeting on 30.12.1995 wherein the Chief Ministers of Karnataka, Kerala, Pondicherry and Tamil Nadu and leaders of various political parties in their respective Legislative Assemblies and some M.Ps. MLAs from these States were present. He held further consultations in separate meetings with all concerned on 31.12.1995 and 1.1.1996. After examining

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The question was actually asked on the floor of the House by Shri N. Giri Prasad.